

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARL WEST,)	CASE NO. 1:06 CV 1277
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
STUART HUDSON, Warden,)	Magistrate Judge Kenneth S. McHargh
)	
Respondent.)	<u>ORDER</u>

For the reasons stated in the attached Memorandum Opinion, the Court hereby ADOPTS the Report and Recommendation of Magistrate Judge McHargh (Document #17) in its entirety; Petitioner's Petition for Habeas Corpus is DENIED.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: October 15, 2007